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March 29, 2017

BY ECF:

Hon. Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10067

Re: **United States v. Percoco, et al., 16 Cr. 776 (VEC)**

Dear Judge Caproni:

This firm represents Alain Kaloyeros in the above-referenced matter. We hereby move the Court, pursuant to Federal Rule of Criminal Procedure Rule 43, for an order excusing Dr. Kaloyeros' personal appearance at the April 6, 2017 status conference scheduled in the above-referenced matter.

Rule 43(b)(3) provides that a defendant "need not be" present in court if the appearance involves "only a conference or hearing on a question of law." We understand that the appearance on April 6, 2017, will be relatively brief, and will address discovery issues and scheduling. Dr. Kaloyeros' counsel will be present in the courtroom and is prepared to discuss all issues. We understand that the Court has already granted requests filed by three Defendants in the above-referenced matter for an order waiving their appearances from the April 6, 2017 conference [Docket No. 135].

For your review and consideration, please see attached a waiver of appearance for the April 6, 2017 conference that Dr. Kaloyeros has executed. The Government has not taken a position on this letter motion or the requested waiver of appearance.

We therefore respectfully request that Dr. Kaloyeros' personal appearance be waived for the April 6, 2017 appearance. If you have any questions, please contact me at (212) 506-3955.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Miller", written over the typed name.

Michael Campion Miller

Attachments

cc: All Counsel (via ECF)